

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

## ROBERT WARD GARRISON,

**Plaintiff,**

V.

DOUG WADDINGTON, *et al.*,

### Defendants.

Case No. C05-5487 RJB/KLS

**ORDER DENYING PLAINTIFF'S  
MOTION FOR RECONSIDERATION**

On September 7, 2007, the Court granted in part and denied in part, Plaintiff's motion to compel. (Dkt. # 91). Plaintiff now seeks reconsideration of that Order. (Dkt. # 97). After carefully reviewing plaintiff's motion for reconsideration and the record, the Court finds that Plaintiff's motion for reconsideration shall be denied.

## I. DISCUSSION

Motions for reconsideration are disfavored and will ordinarily be denied in the “absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to the court’s attention earlier with reasonable diligence.” Local Rule CR 7(h)(1).

Plaintiff bases his motion for reconsideration on a claim that this Court has ruled

ORDER - 1

1 inconsistently by requiring him to meet and confer on a discovery issue in another case, yet issued  
2 an order in this case without likewise requiring the parties to first meet and confer pursuant to Local  
3 Rule 37 (a) (2). (Dkt. # 97). In his Declaration attached to his motion to compel, Plaintiff verified  
4 to this Court that he had made a meaningful effort to meet and confer with opposing counsel and  
5 asked that the Court rule on his motion to compel in the event Mr. Carr had not conceded to the  
6 issues raised in his Notice (Dkt. # 88). Plaintiff stated that the Notice was his attempt to comply  
7 with the requirements of Rule 37(a)(2), and welcomed counsel to telephone him to discuss the  
8 issues. (*Id.*). Plaintiff also thanked defense counsel for the items sent to Plaintiff in discovery to  
9 date. (*Id.*, p. 2).

10 Conversely, in Case No. 5-5837FDB/KLS, the Court noted that in addition to omitting the  
11 good faith attempt to confer, Plaintiff did not put Defendants in that case on proper notice by the  
12 filing of his motion to compel, because the motion itself did not identify exactly what discovery he  
13 was seeking to have the Court compel from them. (Dkt. # 99, p. 2). It was not until the filing of his  
14 reply, that Plaintiff identified the discovery he sought. (*Id.*). Once the documents were properly  
15 identified, this Court ordered the parties to confer and make a good faith effort to resolve the  
16 discovery dispute and directed them to do so by telephonic conference. (*Id.*).

17 In this case, Plaintiff has identified no error in the Court's order, nor presented any new  
18 facts or legal authority that suggest reconsideration is appropriate.

19 ACCORDINGLY, it is **ORDERED**:

- 20 (1) Plaintiff's motion for reconsideration (Dkt. # 97) is **DENIED**;  
21 (2) The Clerk is directed to send copies of this Order to Plaintiff, counsel for  
22 Defendants, and to the Honorable Robert J. Bryan.

23 DATED this 6th day of November, 2007.



25  
26 Karen L. Strombom  
27 United States Magistrate Judge  
28